



## Senate

General Assembly

**File No. 169**

February Session, 2000

Substitute Senate Bill No. 441

*Senate, March 22, 2000*

The Committee on Environment reported through SEN. DAILY of the 33<sup>rd</sup> Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***An Act Concerning Open Burning.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (f) of section 22a-174 of the general statutes, as  
2 amended by section 2 of public act 99-225, is repealed and the  
3 following is substituted in lieu thereof:

4 (f) The commissioner shall allow [the open burning of brush in the  
5 state provided a permit for such burning is obtained from the fire  
6 marshal of the municipality where the brush is proposed to be burned  
7 and further provided such burning is restricted to residential property  
8 where the open burn permittee resides, or at a municipal landfill,  
9 municipal transfer station or municipal recycling center] the open  
10 burning of brush on residential property, provided the burning is  
11 conducted by the resident of the property or the agent of the resident  
12 and a permit for such burning is obtained from the local open burning  
13 official of the municipality in which the property is located, and the  
14 open burning of brush in municipal landfills, transfer stations and

15 municipal recycling centers, provided a permit for such burning is  
16 obtained from the fire marshal of the municipality where the facility is  
17 located, except that no open burning of brush shall occur (1) when  
18 national or state ambient air quality standards may be exceeded; (2)  
19 where a hazardous health condition might be created; (3) when the  
20 forest fire danger in the area is identified by the commissioner as  
21 extreme and where woodland or grass land is within one hundred feet  
22 of the proposed burn; (4) where there is an advisory from the  
23 commissioner of any air pollution episode; (5) where prohibited by an  
24 ordinance of the municipality; and (6) in the case of a municipal  
25 landfill, when such landfill is within an area designated as a hot spot  
26 on the open burning map prepared by the commissioner. A permit for  
27 the burning of brush at any municipal landfill, municipal transfer  
28 station or municipal recycling center shall be issued no more than six  
29 times in any calendar year. The proposed permit to burn brush at any  
30 municipal landfill, municipal transfer station or municipal recycling  
31 center shall be submitted to the commissioner by the fire marshal, with  
32 the approval of the chief elected official of the municipality in which  
33 the municipal landfill, municipal transfer station or municipal  
34 recycling center is located. The commissioner shall approve or  
35 disapprove the fire marshal's proposed permitting of burning of brush  
36 at a municipal landfill, municipal transfer station or municipal  
37 recycling center within a reasonable time of the filing of such  
38 application. The burning of leaves, demolition waste or other solid  
39 waste deposited in such landfill shall be prohibited. [The  
40 commissioner shall require the payment of an application fee and  
41 inspection fee in accordance with regulations adopted by the  
42 commissioner in accordance with chapter 54.] The burning of  
43 nonprocessed wood for campfires and bonfires is not prohibited if the  
44 burning is conducted so as not to create a nuisance and in accordance  
45 with any restrictions imposed on such burning. Nothing in this  
46 subsection or in any regulation adopted pursuant to this subsection  
47 shall affect the power of any municipality to regulate or ban the open

48 burning of brush within its boundaries for any purpose.  
49 Notwithstanding any other provision of this section, fire [blocks]  
50 breaks for the purpose of controlling forest fires [, fires for the purpose  
51 of fire-training exercises] and controlled fires in salt water marshes to  
52 forestall uncontrolled fires [may be authorized with the written  
53 approval of the commissioner] are not prohibited. Open burning may  
54 be engaged in for any of the following purposes if the fire marshal  
55 with jurisdiction over the area where the burning will occur issues an  
56 open burning permit: Fire-training exercises; eradication or control of  
57 insect infestations or disease; agricultural purposes; clearing vegetative  
58 debris following a natural disaster; and vegetative management or  
59 enhancement of wildlife habitat or ecological sustainability on state  
60 property, public property or any property permanently dedicated as  
61 open space. Local burning officials nominated for the purposes of this  
62 subsection shall be nominated only by the chief executive officer of the  
63 municipality in which the official will serve and shall be certified by  
64 the commissioner. The chief executive officer may revoke the  
65 nomination. The commissioner may adopt regulations, in accordance  
66 with the provisions of chapter 54, governing open burning and may  
67 authorize or prohibit open burning consistent with this section. The  
68 regulations may require the payment of an application fee and  
69 inspection fee and may establish a certification procedure for local  
70 burning officials.

71 Sec. 2. This act shall take effect from its passage.

**ENV Committee Vote:** Yea 23 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Affected Agencies:** Department of Environmental Protection

**Municipal Impact:** None

**Explanation****State and Municipal Impact:**

The changes in the bill concerning the issuance of burning permits by the Department of Environmental Protection (DEP) and the issuance of permits at the municipal level, will not change or impact the current workload of the DEP or the overall workload of municipalities. Allowing additional municipal officials to issue certain permits will allow for greater administrative efficiency.

Making the payment of an application and inspection fee discretionary will have no impact since fees have not been collected by DEP for these purposes.

**OLR Bill Analysis**

SB 441

***AN ACT CONCERNING OPEN BURNING.*****SUMMARY:**

This bill eliminates the requirement that all burning permits be issued by the local fire marshal. Instead, permits for burning brush by residents or their agents on their residential property may be obtained from a local open burning official and permits for towns to burn at their landfills, transfer stations, or recycling centers may be obtained from the local fire marshal. It establishes a process for nominating and certifying local open burning officials and authorizes the Department of Environmental Protection (DEP) to adopt open burning regulations.

The bill specifically allows for campfires and bonfires to the extent they do not represent a nuisance and do not conflict with any other burning restrictions. The bill eliminates the requirement that DEP issue written approval for fires used to control forest fires or to reduce the risk of uncontrolled salt marsh fires.

The bill expands the type of burns that may be allowed by permits from the local fire marshal, including allowing fires for training purposes by approval of the fire marshal rather than the written approval of DEP.

The bill also makes minor and technical changes.

EFFECTIVE DATE: Upon passage

**OPEN BURNING*****Local Open Burning Officials***

Under the bill, the chief executive officer of the town in which the official will serve must nominate local open burning officials. The official must then be certified by DEP. The bill authorizes DEP to

adopt regulations establishing certification procedures.

The local chief executive officer may revoke the local open burning official's nomination.

***Additional Burns Authorized By Fire Marshal Permit***

In addition to permitting open burning at town solid waste facilities, the bill authorizes the fire marshal to issue permits for burning for:

1. fire training exercises;
2. insect infestation or disease control or eradication;
3. agricultural purposes;
4. clearing vegetative debris after a natural disaster; and
5. vegetative management or enhancement of wildlife habitat or ecological sustainability on state or public property or any property permanently dedicated as open space.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 23      Nay 0